IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 167 /2004.

PETITIONER: Sri Rawatpura Sarkar Internatinal University, a body incorporated under Section 5(1) of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana and Viniyaman) Adhiniyam, 2002, having its office at C-1, Devendra Nagar, Raipur (Chhattisgarh).

//Versus//

RESPONDENTS:

1. State of Chhattisgarh Through Secretary, Law and Legislative Affairs Department DKS Bhawan, Raipur (Chhattisgarh).

2. State of Chhattisgarh Through –Secretary, Department of Higher Education DKS Bhawan, Raipur (Chhattisgarh).

3. Chhattisgarh Niji Kshetra Vishwavidyalaya Regulatory Commission, DKS Bhawan, Room NO. 387, Raipur (Chhattisgarh)

4. Sri Rawatpura Sarkar Lok Kalyan Trust, A Body incorporated under the provisions of Chhattisgarh Public Trust Act, 1951, having its office at Shop No. 10 – 13, Basement, Hira Arcade, Pandri Bus Stand, Raipur (Chhattisgarh).

P.R. No. 165-1-04 Presented by Shri Anuj Verma d.....

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT / DIRECTION / ORDER ETC.

1. **Particulars of the petitioner:**

As mentioned in the cause title.

2. **Particulars of respondents:**

As mentioned in the cause title.

CHARGE
In Cases Section
Advocate General
Chhattisgarh
BILASPUR

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. 1671 ..... **सन् 200** 4

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:

HON'BLE SHRI A.K. PATNAIK, CJ
& HON'BLE SHRI SUNIL KUAMR SINHA, J.

25.06.2005:

Heard Mr. Bhaskar Payashi, learned counsel for the petitioner, Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh.

In this writ petition the petitioner has challenged the constitutional validity and vires of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2004 by which the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 are sought to be amended.

By a judgment of the Supreme Court dated 11.02.2005 delivered in Writ Petition (Civil) No.19 of 2004 (Professor Yashpal & Others vs. State of Chhattisgarh & Others), the Supreme Court has declared the provisions of Sections 5 & 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 as ultra vires the Constitution and has also quashed the notifications issued by the State Government in the Gazette in the purported exercise of the power under Section 5 of the aforesaid Act notifying the universities and also held that the universities shall cease to exist.

In view of the said judgment of the Supreme Court dated 11.02.2005, this writ petition does not survive and accordingly the same is dismissed.

Sd/-
Chief Justice
Judge

Sd/-
Sunil Kumar Sinha
Judge

Subbu